

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

UNITED STATES v. JOHN YIU
Case No. 1:23CR00089-001(HG)

DEFENDANT SENTENCING MEMORANDUM ATTACHMENT

1. Yiu Guilty Plea Transcript, March 6, 2024

2. Letters of Support

- Thic Leng, wife
- Ryan Yiu, son
- Jenna Yiu, daughter
- Laina Yiu, daughter
- Chiv Heak, wife's grandmother
- Rickey Taing, wife's uncle
- Annie Yiu, sister
- Yiu, Dawei, brother
- Wendy Wu, sister-in-law
- Zhang, Xueyan, mother
- Dr. Henry Chen, colleague

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

UNITED STATES OF AMERICA, : 23-CR-00089(HG)

-against- : United States Courthouse
: Brooklyn, New York

United States Courthouse
Brooklyn, New York

Wednesday, March 6, 2024

JOHN YIU,

Defendant.

Wednesday, March 6, 2024

x

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEA HEARING
BEFORE THE HONORABLE HECTOR GONZALEZ
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

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Court Reporter: Nicole J. Sesta, RMR, CRR, RPR
Official Court Reporter
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Proceedings recorded by computerized stenography. Transcript produced by Computer-aided Transcription.

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1 THE COURTROOM DEPUTY: This is criminal cause for a
2 change of plea, docket number 23-CR-00089, United States of
3 America versus Yiu. Parties, please state your appearances
4 for the record, starting with the government.

5 MS. GLASER DAUERMANN: Miriam Glaser Dauermann for
6 the United States. Good afternoon, Your Honor.

7 THE COURT: Good afternoon.

8 MR. CHABROWE: Jeff Chabrowe for Dr. Yiu. Good
9 afternoon, Your Honor.

10 THE COURT: Good afternoon. Mr. Chabrowe, I
11 understand that we are here today for a change of plea and
12 your client intends to plead guilty to Count 1 of the
13 indictment.

14 MR. CHABROWE: That's correct.

15 THE COURT: Mr. Yiu, obviously today's proceeding is
16 an important day for you and I want to make sure that you
17 understand what is going to happen today. I'm going to be
18 asking you a series of questions.

19 If at any point you don't understand something that
20 I say, just let me know and I'll make sure I'll try to make it
21 more clear.

22 If at any point you need to take time to discuss
23 anything with your attorney let me know and we'll take as much
24 time as you need.

25 MR. CHABROWE: Judge, could we have one minute for

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1 me to discuss something with Dr. Yiu.

2 THE COURT: Yes. Let me just finish this. Do you
3 understand what I'm saying?

4 THE DEFENDANT: Yes, Your Honor.

5 (Pause.)

6 MR. CHABROWE: Okay, Your Honor. I don't believe
7 the Court has a signed copy.

8 THE COURT: That's fine.

9 MR. CHABROWE: Okay.

10 THE COURT: Mr. Yiu, at this time what I'm going to
11 do is I'm going to have Mr. Neptune put you under oath because
12 I need you to answer the questions that I'm going to ask you
13 having been sworn in. If you could stand and raise your right
14 hand.

15 (Defendant sworn.)

16 THE COURT: You can be seated. It's also important
17 now for you to realize that because you are under oath if you
18 answer any of my questions falsely that could subject you to
19 additional charges for answering falsely while being under
20 oath.

21 Do you understand that?

22 THE DEFENDANT: I understand.

23 THE COURT: Can you tell us, for the record, what is
24 your full name?

25 THE DEFENDANT: John Yiu.

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1 THE COURT: How old are you?

2 THE DEFENDANT: 53.

3 THE COURT: What is the highest level of school or
4 education that you have?

5 THE DEFENDANT: Post-graduate, MD.

6 THE COURT: Just based on my interactions with you
7 now, you're able to understand and speak English, correct?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: And have you ever been treated or
10 hospitalized for any sort of mental illness?

11 THE DEFENDANT: No, Your Honor.

12 THE COURT: Are you currently or have you recently
13 been under the care of a doctor or a psychiatrist for any
14 reason?

15 THE DEFENDANT: No, Your Honor.

16 THE COURT: Have you ever been treated or
17 hospitalized for any type of addiction, including drug or
18 alcohol addiction?

19 THE DEFENDANT: No, Your Honor.

20 THE COURT: Have you taken any drugs, medicine,
21 pills, or any alcoholic beverages in the past 24 hours?

22 THE DEFENDANT: No, Your Honor.

23 THE COURT: Do you feel that your mind is clear
24 today?

25 THE DEFENDANT: Yes, Your Honor.

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1 THE COURT: And do you understand what is happening
2 today?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Mr. Chabrowe, does your client have any
5 physical, based on your interactions with him, any physical or
6 mental condition that you believe may impair his ability to
7 participate or otherwise understand today's proceedings?

8 MR. CHABROWE: Not as far as I know, Your Honor, no.

9 THE COURT: And have you had enough time to discuss
10 the matter with your client?

11 MR. CHABROWE: Yes.

12 THE COURT: Does he understand the rights that he'll
13 be waiving should I accept his plea of guilty today?

14 MR. CHABROWE: Yes, he does.

15 THE COURT: Do you have any doubt as to Mr. Yiu's
16 competence to plead at this time?

17 MR. CHABROWE: No.

18 THE COURT: Do you have any doubt that he
19 understands the nature of today's proceedings?

20 MR. CHABROWE: No.

21 THE COURT: Have you had an opportunity, also, to
22 discuss with him the various sentencing issues, including the
23 maximum sentence and fine that could be imposed in this case,
24 as well as the effect of the advisory sentencing guidelines?

25 MR. CHABROWE: I have discussed all of that with

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1 him, yes.

2 THE COURT: Mr. Yiu, do you feel that you've had
3 enough opportunity to discuss today's proceedings and your
4 intended plea of guilty with your attorney?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: And overall are you satisfied with the
7 representation that you've received from Mr. Chabrowe?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: You've been given a copy of the
10 indictment in this case, correct? That's the document that
11 has the charges against you.

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: And let me ask the government, I
14 understand from the proposed plea agreement that the defendant
15 will be pleading guilty to Count 1 in the indictment, and that
16 upon sentencing in this case the government will dismiss the
17 remaining counts in the indictment; is that correct?

18 MS. GLASER DAUERMANN: That's correct, Your Honor.

19 THE COURT: Ms. Glaser Dauermann, if you could
20 describe the charge that the defendant will be pleading guilty
21 to and Mr. Yiu, what I want you to do is pay close attention
22 because I'm going to ask you if that's your understanding of
23 what you'll be pleading guilty to today. Okay?

24 THE DEFENDANT: Yes.

25 MS. GLASER DAUERMANN: The indictment charges that

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1 between August of 2019 and the end of 2020, beginning of 2021,
2 the defendant conspired with others, specifically owners of a
3 pharmacy called AC Pharmacy in Brooklyn, to refer patients to
4 the pharmacy in exchange for kickbacks. Some of the drugs
5 that were referred were not medically necessary. All of them
6 were procured by kickbacks.

7 THE COURT: Mr. Yiu, do you understand that that is
8 the charge that you'll be pleading guilty to today?

9 MR. CHABROWE: To be clear, Judge, the charge is
10 kickbacks. There isn't -- the medically unnecessary is not an
11 element of the crime.

12 MS. GLASER DAUERMANN: It is not an element of the
13 crime, but it is charged in the indictment and that's part of
14 the charge.

15 THE COURT: Is it necessary for his allocution?

16 MS. GLASER DAUERMANN: No, it's not.

17 THE COURT: You can represent to me that that's
18 something that the government would be able to prove, but for
19 purposes of the allocution, I just want to be clear that it's
20 not necessary; is that correct?

21 MS. GLASER DAUERMANN: That's correct, Your Honor.

22 THE COURT: Mr. Chabrowe, do you believe that based
23 on your interactions with your client that he understands
24 these charges that he's pleading guilty to?

25 MR. CHABROWE: Yes, he does.

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1 THE COURT: The victims in this case are Medicare
2 and Medicaid?

3 MS. GLASER DAUERMANN: Yes, Your Honor.

4 THE COURT: Any other insurance or health benefit
5 program?

6 MS. GLASER DAUERMANN: No.

7 THE COURT: I assume they are aware of today's plea?

8 MS. GLASER DAUERMANN: They are aware and a
9 representative of HHSOIG is here.

10 THE COURT: Mr. Yiu, I'm going to ask you a series
11 of questions about the rights that you're entitled to as a
12 defendant in a criminal matter, and also that by pleading
13 guilty today you'll be giving up those rights.

14 You have the right to continue to plead not guilty
15 and no one can force you to plead guilty. Do you understand
16 that?

17 THE DEFENDANT: Yes, I understand.

18 THE COURT: And you would have the right under the
19 Constitution and the laws of the United States to both a
20 speedy and a public trial. Do you understand that?

21 THE DEFENDANT: I understand, Your Honor.

22 THE COURT: At that trial, you would be presumed
23 innocent and the government would have to prove your guilt
24 beyond a reasonable doubt.

25 Do you understand that?

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1 THE DEFENDANT: I understand, Your Honor.

2 THE COURT: You would have the right to the
3 assistance of counsel for your defense, who would represent
4 you at the trial and at every other stage of the proceeding.
5 Do you understand that?

6 THE DEFENDANT: I understand, Your Honor.

7 THE COURT: You would also have the right to see and
8 hear all the witnesses that the government calls in its case
9 against you and to have them cross-examined in your defense.
10 Do you understand that?

11 THE DEFENDANT: I understand, Your Honor.

12 THE COURT: You would also have the right on your
13 own part to decline to testify unless you voluntarily elect to
14 do so in your own defense. Do you understand that?

15 THE DEFENDANT: I understand, Your Honor.

16 THE COURT: You would also have the right to compel,
17 that means order through a subpoena, the attendance of
18 witnesses to testify in your defense. Do you understand that?

19 THE DEFENDANT: I understand, Your Honor.

20 THE COURT: If you were to decide not to testify or
21 to put on any evidence at trial, I would instruct the jury
22 that those facts could not be used against you.

23 Do you understand that?

24 THE DEFENDANT: I understand, Your Honor.

25 THE COURT: By entering a plea of guilty, if I

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1 accept your plea of guilty, there will be no trial and you
2 will have waived or given up your right to a trial, as well as
3 all these associated rights that I just described for you.

4 Do you understand that?

5 THE DEFENDANT: I understand, Your Honor.

6 THE COURT: There will be no further trial of any
7 kind and no right of appeal from the judgment of guilty. I
8 will simply enter a judgment of guilty on the basis of your
9 guilty plea today.

10 Do you understand that?

11 THE DEFENDANT: I understand, Your Honor.

12 THE COURT: If you plead guilty I'm going to have to
13 ask you some questions about what it is that you did that
14 makes you guilty of the offense in Count 1. So by answering
15 my questions you'll effectively be incriminating yourself.

16 Do you understand that?

17 THE DEFENDANT: I understand, Your Honor.

18 THE COURT: You'll be giving up your right to not
19 incriminate yourself. Do you understand that?

20 THE DEFENDANT: I understand, Your Honor.

21 THE COURT: Mr. Yiu, do you understand each and
22 every one of the rights that I've just described for you or do
23 you have any questions for me?

24 THE DEFENDANT: No questions, Your Honor.

25 THE COURT: So you understand them?

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1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Are you willing to give up your right to
3 a trial and these other rights that I've just discussed with
4 you in order to enter your plea of guilty?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: I also understand that you're pleading
7 guilty pursuant to an agreement with the government, what's
8 known as a plea agreement, that I believe you just signed here
9 in court today; is that correct?

10 THE DEFENDANT: Correct, Your Honor.

11 THE COURT: And is that a copy of the original plea
12 agreement?

13 MR. CHABROWE: Yes.

14 THE COURT: If you could give that to the government
15 because I'm going to ask the government to maintain custody of
16 that.

17 That was your signature on the last page of that
18 document?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: And you had an opportunity to read and
21 discuss that agreement with your attorney before you signed
22 it?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: I'm going to have that document marked
25 as Court Exhibit 1 and ask that the government maintain

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1 custody of the original plea agreement.

2 MS. GLASER DAUERMANN: Yes, Your Honor.

3 (Court Exhibit 1 so marked.)

4 THE COURT: Did you have sufficient time to review
5 that agreement with your attorney?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: To the extent you might have had any
8 questions about that agreement, were those questions answered
9 to your satisfaction?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Mr. Chabrowe, did you have sufficient
12 time to review the agreement with your client?

13 MR. CHABROWE: I have.

14 THE COURT: And now, Mr. Yiu, do you have any
15 questions for me about the agreement?

16 THE DEFENDANT: No, Your Honor.

17 THE COURT: And does the agreement represent in its
18 entirety any understanding that you have with the government?
19 In other words, other than this agreement, is there any other
20 agreement that you have with the government?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: Has anyone made any promise or assurance
23 to you that is not in that agreement in order to persuade you
24 to sign the agreement?

25 THE DEFENDANT: No, Your Honor.

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1 THE COURT: Has anyone threatened you in any way to
2 persuade you to accept the plea agreement?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: And, Mr. Chabrowe, were all formal plea
5 offers from the government conveyed to your client?

6 MR. CHABROWE: Yes.

7 THE COURT: Now, Mr. Yiu, I'm going to tell you
8 about some of the possible penalties to the crime to which you
9 intend to plead guilty. If you have any questions about
10 anything I say, just let me know.

11 So the charge you intend to plead guilty to, which
12 is Count 1 of the indictment, is a conspiracy to commit health
13 care fraud. That offense has no minimum, mandatory minimum
14 term of imprisonment, but has a maximum term of imprisonment
15 of ten years.

16 Do you understand that?

17 THE DEFENDANT: I understand, Your Honor.

18 THE COURT: And any term of imprisonment related to
19 that charge may be followed by a term of supervised release,
20 and the maximum term of supervised release is three years.

21 Do you understand that?

22 THE DEFENDANT: I understand, Your Honor.

23 THE COURT: And supervised release means that you'll
24 be subject to supervision by the probation department and that
25 you'll have to follow a series of rules and guidance from the

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1 probation department, and if you violate any of those
2 restrictions that could subject you to additional jail or
3 prison time.

4 Do you understand that?

5 THE DEFENDANT: I understand, Your Honor.

6 THE COURT: You also face a possible maximum fine of
7 the greater of \$250,000, or twice the gross gain or loss from
8 the crime charged in Count 1. Do you understand that?

9 THE DEFENDANT: I understand, Your Honor.

10 THE COURT: In addition, because you're pleading
11 guilty to one count, I have to assess a mandatory special
12 assessment of \$100 at the time of sentencing.

13 Do you understand that?

14 THE DEFENDANT: I understand, Your Honor.

15 THE COURT: And based on my review of the plea
16 agreement, there is an indication there that you may be
17 subject to paying restitution in the amount of almost
18 \$625,000. Do you understand that?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: I also see from the plea agreement,
21 which is paragraph 6 through 13 of the plea agreement, that
22 you will forfeit an amount of approximately \$397,000 as part
23 of the plea in this case.

24 Do you understand that?

25 THE DEFENDANT: I understand, Your Honor.

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1 THE COURT: And, Mr. Yiu, are you a US citizen?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: So I don't need to go through with you
4 the immigration consequences of a conviction. But I did see
5 in the plea agreement in paragraph 15 that you'll be subject
6 to what's known as debarment, or exclusion from federal health
7 care programs, including Medicare and Medicaid, as a result of
8 this conviction.

9 Do you understand that?

10 THE DEFENDANT: I understand, Your Honor.

11 THE COURT: I didn't see anything in the plea
12 agreement of this, but I believe you may also be subject to
13 other collateral consequences as a result of this conviction
14 related to your medical license.

15 Is that something that you're aware of?

16 THE DEFENDANT: Yes. I'm sure it will impact, yes.

17 THE COURT: Are there any other collateral
18 consequences, Ms. Glaser Dauermann, that the defendant should
19 be aware of?

20 MS. GLASER DAUERMANN: Not that are under the
21 government's control. And the reason that the medical license
22 is not in there is because we don't actually control whether
23 or not the New York State licensure chooses to revoke his
24 license. But it is potentially true that it could have an
25 impact on his license.

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1 THE COURT: My question was not that that's
2 something that will happen or that the government has any
3 control over, but just that it's something that may occur and
4 you've indicated that you are aware of that.

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Now under the Sentencing Reform Act of
7 1984, the sentencing commission has established a series of
8 sentencing guidelines, and those are sentencing guidelines
9 that I have to consider as part of your sentence.

10 Are you aware of that?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Have you had an opportunity to discuss
13 with your attorney how those advisory sentencing guidelines
14 might affect your case, and in particular your sentence in
15 this case?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: And based on my review of the plea
18 agreement, I understand that the government believes that the
19 applicable advisory guideline range in this case for the
20 charge that you're going to be pleading guilty to is 24 to
21 30 months.

22 Do you understand that?

23 THE DEFENDANT: I understand, Your Honor.

24 THE COURT: And, Mr. Chabrowe, does the defendant
25 have a different estimate of the applicable guidelines range?

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1 MR. CHABROWE: No, Your Honor.

2 THE COURT: Now, Mr. Yiu, what you should understand
3 is that these are only estimates and that those estimates
4 could be wrong. I won't be able to determine what the
5 appropriate guideline range in your case is until the
6 probation department has prepared what is known as a
7 presentence report, which will go through a sentencing
8 guidelines calculation.

9 And it's not until that time and after I've had an
10 opportunity to hear from your attorney and the government that
11 I will be in a position to determine what the applicable
12 guidelines are.

13 Do you understand that?

14 THE DEFENDANT: I understand, Your Honor.

15 THE COURT: So the sentence I impose may be
16 different from any estimate that either your attorney or the
17 government may have given you. Do you understand that?

18 THE DEFENDANT: I understand, Your Honor.

19 THE COURT: As a general matter, I also have the
20 authority in some circumstances to depart upward or downward
21 from the advisory guideline range, and that can result in a
22 sentence that is either greater or lesser than the advisory
23 guideline range that I calculate.

24 Do you understand that?

25 THE DEFENDANT: I understand, Your Honor.

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1 THE COURT: As you sit here today there is no
2 guarantee to a particular sentencing guideline range. Do you
3 understand that?

4 THE DEFENDANT: I understand, Your Honor.

5 THE COURT: Do you understand that if the advisory
6 guideline range in the presentence report is different than
7 the guideline range your attorney or the government may have
8 advised you of, or that you might expect, that you cannot take
9 back your plea of guilty?

10 THE DEFENDANT: Yes. I understand, Your Honor.

11 THE COURT: If the ultimate sentence that I impose
12 is different than what you hope for or expect, you won't be
13 able to take back your guilty plea. Do you understand that?

14 THE DEFENDANT: I understand, Your Honor.

15 THE COURT: As you sit here today, what is important
16 for you to realize is that there is no way for you to know
17 what your ultimate sentence will be because at this point I
18 don't know what your sentence will be.

19 Do you understand that?

20 THE DEFENDANT: Yes. I understand, Your Honor.

21 THE COURT: You should also understand that there is
22 no parole in the federal system anymore. What that means is
23 that if you're sentenced to a period of incarceration that you
24 won't be released early on what is known as parole.

25 Do you understand that?

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1 THE DEFENDANT: I understand, Your Honor.

2 THE COURT: Now, do you understand that under some
3 circumstances you or the government may have the right to
4 appeal any sentence that I impose?

5 THE DEFENDANT: I understand, Your Honor.

6 THE COURT: But I also understand from reviewing
7 your plea agreement that as part of that plea agreement you
8 have waived or given up your right to appeal or collaterally
9 attack, which means that either through an appeal or through
10 another proceeding you won't be able to challenge any part of
11 your sentence or your conviction so long as I sentence you to
12 a period of imprisonment of 33 months or less, that that is
13 the amount of time that you have agreed you will waive your
14 right to appeal your sentence or conviction.

15 Do you understand that?

16 THE DEFENDANT: I understand, Your Honor.

17 THE COURT: Now, do you have any questions for me
18 about the rights that you're giving up, the punishment that
19 you might face, the plea agreement in this case, the charges
20 that you're going to plead guilty to, or anything else related
21 to this matter?

22 THE DEFENDANT: No, Your Honor.

23 THE COURT: Are you ready at this time, Mr. Yiu, to
24 enter a plea of guilty?

25 THE DEFENDANT: Yes, Your Honor.

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1 THE COURT: And, Mr. Chabrowe, do you know of any
2 reason why your client should not plead guilty at this time?

3 MR. CHABROWE: I do not.

4 THE COURT: Mr. Yiu, what is your plea to Count 1 of
5 the indictment, which is a conspiracy to commit health care
6 fraud, guilty or not guilty?

7 THE DEFENDANT: Guilty.

8 THE COURT: Are you making the plea of guilty
9 voluntarily and of your own free will?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Has anyone threatened or forced you in
12 any way to plead guilty today?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Other than the agreement with the
15 government, has anyone made any promise to you that has caused
16 you to plead guilty today?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: Has anyone made any promise to you as to
19 what your sentence will be in this case?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: Now, in your own words if you could tell
22 me what it is you did that makes you guilty of the charges in
23 Count 1.

24 THE DEFENDANT: Agreed with others to receive
25 payment in exchange for directing patient to pharmacy that did

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1 not -- that did so in the Eastern District of New York in 2019
2 and 2020.

3 THE COURT: I see that you were reading a prepared
4 statement; is that correct?

5 THE DEFENDANT: Correct, Your Honor.

6 THE COURT: And did you have an opportunity to
7 discuss that statement with your attorney before your plea
8 today?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: And regardless of who had the main role
11 in preparing that statement, are you adopting that prepared
12 statement as if you, yourself, had written it?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: To the extent that you had any questions
15 about this statement, did your attorney answer those questions
16 to your satisfaction?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And I may have missed it when you were
19 reading it, but where did the offense that you just
20 articulated, where did that take place?

21 THE DEFENDANT: Eastern District.

22 THE COURT: Which county in particular, which
23 borough, Queens, Brooklyn, Staten Island?

24 THE DEFENDANT: Brooklyn.

25 THE COURT: And tell me exactly what it is you did.

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1 What did you do that made you guilty of the crime, you agreed
2 to?

3 THE DEFENDANT: Accepting kickback for prescribing
4 medication for AC Pharmacy.

5 THE COURT: And the pharmacy again?

6 THE DEFENDANT: AC Pharmacy.

7 THE COURT: That pharmacy was in Brooklyn?

8 MR. CHABROWE: Correct.

9 THE DEFENDANT: Correct, Your Honor.

10 THE COURT: And your medical practice was where?

11 THE DEFENDANT: Brooklyn.

12 THE COURT: And for what period of time did you do
13 this?

14 THE DEFENDANT: 2019, 2020.

15 THE COURT: Ms. Glaser Dauermann, is there anything
16 else that you believe the defendant needs to articulate in
17 order to have a satisfactory allocution?

18 MS. GLASER DAUERMANN: No. In reference to our
19 discussion earlier regarding what was submitted and why it was
20 submitted, the element only requires that the defendant
21 allocute to there being some reason why Medicare would not
22 have paid those claims, that he knew that there was some
23 reason that Medicare would not have paid those claims, and
24 that the claims were for some reason ineligible and were
25 satisfied by the kickbacks inducing the prescriptions.

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1 THE COURT: Now, let me just try to put that into
2 non-lawyer words for you, Mr. Yiu. First of all, did you have
3 an agreement with at least another person that you would
4 accept these kickbacks in return for submitting the
5 prescription requests?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: And did you know at the time that what
8 you were doing was wrong or against the law?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: And as part of this agreement and
11 receipt of the kickbacks, did you know that the prescriptions
12 that you were writing would otherwise have not been paid for
13 by Medicare had you not written the prescriptions?

14 MR. CHABROWE: Meaning -- okay. That's fine.

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Did you know that the payor or who the
17 person that or the entity that would be paying the price of
18 those prescriptions was either Medicare or Medicaid?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: I may have missed another one of the
21 items that you thought was necessary, Ms. Glaser Dauermann.

22 MS. GLASER DAUERMANN: No, Your Honor. That's
23 satisfactory to the government.

24 THE COURT: Can you describe for me, in addition to
25 the factual allocution that the defendant has just made, what

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1 else, if anything, the government would be able to prove at
2 trial?

3 MS. GLASER DAUERMANN: Yes, Your Honor. We would
4 prove that the defendant received several hundred thousand
5 dollars in kickbacks in exchange for the period of
6 approximately 18 months in exchange for referring patients to
7 AC Pharmacy for the purpose of them filling prescriptions at
8 the pharmacy. We would also prove at trial that at least some
9 of those prescriptions were not medically necessary.

10 THE COURT: Mr. Chabrowe, are you aware of anything
11 else that is necessary in order to have a complete allocution
12 to Count 1 of the indictment?

13 MR. CHABROWE: No.

14 THE COURT: So based on the information that has
15 been given to me, as well as my observations of the defendant
16 here in court today and his demeanor in court, and the
17 representations of counsel for the government and the defense,
18 I find that Mr. Yiu is fully competent and capable of entering
19 an informed plea, that he is aware of the nature of the
20 charges and the consequences of his plea, and that his plea of
21 guilty is a knowing and voluntary plea and is supported by an
22 independent basis and fact containing the essential elements
23 of the offense. I, therefore, accept Mr. Yiu's plea of guilty
24 to Count 1 of the indictment.

25 Now, Mr. Yiu, what is going to happen now is that

Proceedings

25

1 the probation department will prepare what I referred to
2 earlier as a presentence report. As part of preparing that
3 report, they're going to try to interview you. It is your
4 right to be interviewed, if you want.

5 You don't have to be interviewed, but if you choose
6 to be interviewed by the probation department, you also have
7 the right to have your attorney present with you when they
8 interview you. Do you understand that?

9 THE DEFENDANT: I understand, Your Honor.

10 THE COURT: And after they prepare that report,
11 you'll have an opportunity to review the report, and with the
12 assistance of your attorney, to file any objections that you
13 might have to the report or to correct anything that you think
14 is mistaken in the report.

15 Do you understand that?

16 THE DEFENDANT: I understand Your Honor.

17 THE COURT: Now, what I'm going to do is put this
18 down for a control date for the probation department to issue
19 its presentence report.

20 That control date is June 4th. Once the probation
21 department issues its report, I'll then issue a schedule that
22 will have the actual sentencing date, as well as other
23 relevant dates for when sentencing related submissions have to
24 been made.

25 Do you have any questions about that, Mr. Yiu?

Proceedings

26

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: Is there anything else at this point
3 that we need to take care of?

4 MS. GLASER DAUERMANN: Nothing further from the
5 government. Thank you, Your Honor.

6 THE COURT: Mr. Chabrowe, anything else?

7 MR. CHABROWE: No. Thank you for your patience with
8 scheduling of the plea, Your Honor. I know it's been moved a
9 couple of times.

10 THE COURT: I appreciate the dilemmas of scheduling
11 for a busy attorney. That is not a problem at all. With
12 that, we are adjourned. Like I said, I'll issue a scheduling
13 order once the presentence report is filed with the Court.
14 Thank you. Have a good evening.

15

16 (Proceedings concluded at 4:00 p.m.)

17 - - - - -

18

19 I certify that the foregoing is a correct transcript
20 from the record of proceedings in the above-entitled matter.

21

22 /S/ Nicole Sesta, RPR, RMR, CRR
23 Court Reporter/Transcriber

24

August 8, 2024
Date

25

Dear your honorable Judge Gonzalez,

I hope this letter finds you in good health. I am so sorry to have to burden you with my letter. I know you must receive hundreds of these letters every year begging you for your understanding and forgiveness. But at this critical point, there's not much else I can do for my husband John Yiu besides pleading with you to give John and my family a second chance in life.

Life has been so hard for my husband and I to live these past few years. Everything that can go wrong has gone wrong for us, from serious health problems for myself, 2 children, 94 years old grandma, John's mother to a recent death of John's father. Sometimes we find ourselves just wanting to end all of these suffering but couldn't do it for the sake of our 3 children and elderly parents who still need us.

We struggle through each day hoping and praying for a chance to breathe again without the pain, fear, anxiety and stress sitting on our chest. As the sentencing day approaches, we barely can breathe knowing our lives could forever be altered.

As a wife, I feel the responsibility for John's downfall. I may have subconsciously placed stress on him to make more money so that we will never go back to experience the difficulties of our childhood. I lived through the Khmer Rouge war as a young child. I experienced war and famine. So many death and losses around me. All I remember from my childhood is fear and hunger. John knows all about my childhood trauma and has always said he'll take care of me and our family.

During the period of my surgery and cancer treatment, John took all of his vacation time to care for me. He was such a caring and supportive husband. He accompanied me to all of my chemotherapy sessions and help calm my fear. I am so grateful to him. When I started my radiation treatment, John reluctantly revealed to me that the FBI has closed down the pharmacy attached to the clinic where he worked. He told me that 6 months before the pharmacist was shut down, the people from the pharmacy had asked him to refer patients to the pharmacy and they would thank him by giving him some red envelope (money gift). He thought since his patients would benefit from the home delivery services offered to the patient (since COVID is rampant) and he'll get some extra income, he agreed.

I was shocked, scared, depressed and was full of anxiety. I asked him why did he allow himself to be lured to participate. He told me what tempted him was that he really wanted me to stay at home and take care of his father full time (since he just got his first stroke at the time). John knew I would be worried about losing my income if I stayed home to care for his father. He figured if he makes extra money to compensate for my loss of income then I would be willing to stay home to care for his father full time. Before he had a chance to ask me to quit my job, the pharmacy was in trouble with the FBI. This one decision has destroyed everything that John strived for all of our lives.

John and I met each other in Stony Brook university and was each other first love. We graduated together as Cytotechnologist. We commuted together to work at Quest Diagnostics for 3 years and got married. The work as a laboratory technician wasn't fulfilling his desire to be a doctor like his father (before he gave up his career to moved to America for freedom)

While working full time, he started to take MCAT prep courses and other necessary prerequisite courses in order to apply to medical school. 6 months after our wedding he was accepted into St. George medical school in Grenada. Our newly wed lives were sacrificed for his

dream to be a doctor. It was very sad and difficult to be apart for so long but we did it in hope to have a brighter future.

Once he graduated he did not get a Residency match that happens once a year in March. We were full of fear for the future; worry about the medical school debt and his future prospects. Thank God he got a Residency match the following year at Stony Brook university medical center in Long Island. By then we were living in Edison NJ with 2 daughters and John's parents.

It was really hard to live separately again for three years. Once a week we took turns driving 2 hours to visit each other for the weekend. When he finally graduated from his residency we were so happy to finally be together again and never be apart ever again. All of our sacrifices will be paid off with a better future.

Now that his dream of being a doctor has been fulfilled, John worked endlessly 6 to 7 days a week for the first few years. Even though he was tired, he was still happy because he enjoyed serving the community and supporting the family.

During the COVID pandemic, he would volunteer his time after work and on his days off to oversee the public vaccination program in Brooklyn. His clinic joined forces with SOMOS (medical community group) to go to take the temperature of Wall Street employee and do COVID testing at the site. He volunteered even though most people were so scared to be infected with the virus at that time.

Before the COVID pandemic, John traveled with me to visit my mom and siblings in Cambodian. When he saw the conditions of the poor people living there, he asked my mom to help him organize a charity event. We spent our money to host a charity dinner and collected donations. We then added more money to the fund and gave every cent to the school and temple so they can distribute to the poor. It was the greatest feeling to be able to help the needy because we know first hand how difficult life can be.

Your Honor, I tell you this story of my life with my husband John so you can see the inner man that he is. He is truly a good man who made a serious misjudgment. He is so ashamed and regrets his decision with every waking moment. He is a torn man with great regret and remorse. He has worked so hard to take care of our family and has served the community diligently for over 17 years.

My children and I need John to be with us every day because he is the pillar that hold everything up. Without him, our household cannot survive, especially John's mom who has dementia, and is in constant physical pain. He prepares and brings meals to her whenever she bed bound due to her pain. He takes her to have pain treatment and every other doctor appointments. I myself can barely take care of myself due to my many complications from the cancer treatments. I depend on him for household and medical help.

I understand that John will lose his license to practice medicine. This in itself is a severe blow to our lives. We sacrifice so much for so many years just so John can reach his dream of practicing medicine. Being a doctor is identity, his pride and joy. Now that identity will be stripped away from him, his purpose in life has diminished. We as a family have to struggle financially without his license to work. He can never hold his head up anymore. We have been living in isolation with no contact with our friends or neighbor.

Please your honor, I beg of you to do anything within your power to give us a chance to live normally again. Please give my children and myself hope again. Hope to not have any darkness that follows my children for the rest of their lives.

I pray for your kindness to be rewarded through out your life! May you only know happiness and good health!

Thank you!
Sincerely,
Thic Leng

Dear your honorable Judge Gonzalez,

My name is Ryan Yiu and I am writing to beg you to please don't take my dad away from me. I'm begging you! Right now he is the most important person in my life. He is the only male guidance that I have now in my life because my grandpa just died 3 months ago.

Ever since my mom got sick with cancer, it is my dad who takes care of me in the morning. My mom is always too tired and weak to wake up early in the morning. My dad is caring, loving and understanding. He cooks breakfast for me and takes me to the bus stop. He does the same thing for my sister (cooking breakfast) but I don't see her in the morning because she walks to the bus stop before I even wake up.

When he comes back from work, he cooks dinner for us. When I have problems with my math and science homework, he is the person I go to ask for help because he's the smartest person in math and science in my family.

5 months ago I slept in the hospital for a long time. I had an infection in my bone. It hurt me so badly. After I left the hospital, my dad gave me antibiotics medicine through my vein every day and night for 30 days. Every day he had to do it in the morning, after he comes back from work and after I fall asleep, (3 times every day).

One time I was bullied on the bus every day for a week. I got so mad because I couldn't take it anymore and end up fighting my bully. I finally told my parents about what happened on the bus. My dad wrote a long letter to the principal to explain everything and to defend me. I turned 13 years old now and I really need him every day in my life to take care of me and protect me!

Please judge, don't take him away from me. Please!

Sincerely,
Ryan Yiu

Dear your honorable Judge Gonzalez,

My name is Jenna Yiu. This year I will be a senior in high school . I am writing to beg you for mercy. Please help my family to be together. I don't want anything bad to happen to my family. Last week I just found out what had happened. I feel very stressed, sad, and worry. I have been crying so much and can't sleep at night time. Please judge, have mercy on my family. We need my dad so much right now. I feel like everything in my world is crashing down on me. First my mom was diagnosed with cancer. Everyone was so scared and worried about her. She went through every treatment necessary to get rid of the cancer. It pains my family to see her suffering from the side effects of surgery, chemotherapy, radiation therapy and then more surgeries. She couldn't go to work for almost a year. Then this year, in February my brother was hospitalized for osteomyelitis. My mom and dad focused their energy on him and had no time for me. I myself have been having abdominal pain every day for 2 years now and I didn't want to bother my parents because of my mom's cancer. Finally I couldn't take it anymore so I told them and my dad immediately searched for a pediatric gastroenterologist to take care of me. My blood test showed that I was positive for an antigen in Crohn's disease which is a non curable intestinal disease. Right now my doctor can only give me medication to take care of my symptoms. Then in April, my grandpa who mostly lived with us had his 2nd stroke and soon went into a coma. He passed away just 3 months ago. We are all so heartbroken especially my dad and grandma because they were so closed. My 80 years old grandma frail health deteriorated even more because of my grandpa's recent death. Now my dad has to take care of her daily because she's bed bound for most of the time. On her good days, she's able to come join us at the dinner table. After all that difficulties, the last thing that I need in my stressful life right now is to hear this news from my parents. I'm so devastated I could hardly breathe. Please judge Gonzalez, help me and my family. Give us some good news in this difficult time in our life! Thank you!

Sincerely,
Jenna Yiu

Dear honorable Judge Gonzalez,

Recently my parents just revealed to my siblings and I about his upcoming sentencing. I am truly shocked and devastated about everything that is happening in my family. These past 2 years has been such a trial for all of us. We have been bombarded with one bad news after another.

> My family is in mourning after my grandpa's recent death. We were so sad and stressed to see him suffering everyday in the hospital for over a month. My daddy is convinced that my grandfather's recent second stroke that lead to his death is all caused by the worries and anxiety over his case. He is therefore full of self loathing and guilt. I see his anxiety taking over his life. He hasn't had any moments of true happiness for a long time and I couldn't understand it until he recently revealed to my siblings and I about his case. He was so worried about our emotional wellbeing and the shame he felt that he and my mom hid everything from us.

> I'm am pleading with you to please give my father a second chance in life. He truly is a good human being who made a serious mistake in his judgement. He is a wonderful father to all of us; a loving and devoted husband and a filial child. He lets his parents live with him since I was a baby and takes care of them in their old age. My grandpa is gone now but my frail grandma and mom are in desperate need for his daily care. I'm away in college now so I am unable to help out.

> He and my mom always tell us children that they want to give us the best that life can offer us and for us to have the best carefree childhood possible because they never had that. My mom suffered 4 years of the Khmer Rouge regime at such a young age and became a refugee in Thailand for 2 years. She suffered from starvation and disease and nearly died through her ordeal. She was physically separated from her mother because of the war and was raised by her grandmother since a toddler. Her father was killed, grandfather died from a minor injury (due to lack of medicine) and youngest aunt died from starvation. This all happened because of that 4 years reign of terror. During her escape from Cambodia to Thailand, she experienced bombing from the air and saw land mine explosions along the way. She witnessed injured civilians and faced a dead bloated soldiers body floating in front of her as she was drinking from the dirty river. Those were the earliest memories of her childhood.

> Her past childhood trauma really affects the way we live our life. My dad understands this and always tried to assure her that she will never experience starvation ever again. He works really hard and had pressure to fulfill his promises to her. He himself had a difficult childhood living in a communist regime. Because of the country's lack of resources, everyone was given a voucher quota to buy food. His scholar parents left communist China in 1990 to start a new life in America and was willing to take any type of jobs just to put food on the table. His dad became an office janitor and his mom worked at a dumpling factory and other menial jobs. It was definitely difficult for my dad to see his highly educated parents doing physical jobs. My dad once told me that he wanted to make lots of money so his parents can live a good life in their old age as a way of thanking them for sacrificing for him.

> I know my dad made a serious mistake but please, please forgive my dad. Please use your power to bless my dad a second chance in life. Your forgiveness will not only bless my dad but my poor mom who is also suffering along my dad; my grandma can find peace in her old age before she dies and we children won't have a shadow in our heart. 

> Thank you!

>

> Sincerely,
Laina Yiu

Dear your honorable Judge Gonzalez:

I hope this mail finds you in good health. May I introduce myself? My name is Ms. Chhiv, Heak. I faced war, hunger, starvation, and an abused husband. I have tasted the bitterness of life, but I refuse to cave.

My granddaughter, Thic, was separated from her mother when she was a toddler. The Khmer Rouge separated me from my daughter. I raised Thic as my child.

My granddaughter Thic Leng is married to John Yiu who is my primary physician. Recently, my granddaughter's family has been overcome by gloom. Initially, I thought the dark cloud was because my granddaughter had to go through an aggressive breast cancer that threatened to take her life. The many bouts of chemotherapy therapy and radiation, along with hormones blocking medication, took a toll on her health. Despite her sickness, she and her husband attended to my health without hesitation. I, too, am living with breast cancer. I was treated 8 years ago but it came back last year. This time they cannot do anything for me because of my age.

I am a 94-year-old woman who is going through multiple health concerns and is in need of my granddaughter and John's help and support. I am unsure how much more time the good Lord will spare me. My life is at His mercy. My comfort is supported by my two grandchildren, Thic and John. Without them, managing my health will be challenging.

For the past year, my granddaughter has kept from me the fracture that John, filled with deep remorse and regret, committed. I am sorry to hear of his fall. A young man's mistake affected several families—his father recently died with a broken heart. His biological mother is a frail older woman with many medical/health issues. She had to go through multiple surgeries, leaving her in pain and agony most of the time. Most of her day, she is bound to her bed. John has to help care for her physically and medically. She needs his presence to help her with her daily living.

The children need their father to help provide their love, support, and financial needs. His wife, Thic, needs him to help with her medical needs and guide their teenage children. I need Thic and John to help me as well.

I beg his honor to lighten your grip and have mercy on John and our families. This elderly woman begs you to give John clemency. I wish to see my granddaughter Thic, John, and their children live fulfilled lives.

There is nothing that can kill a man more than his guilt. This deep sense of remorse punishes the individual who committed the crime more than the court can punish the mind. His remorse will be the poison that tortures him. I beg the court to not take him away from his family. Thic's and John's minds are already imprisoned. I plead your honor to grant me my last wish before I die. Please set them free and give them another chance in life. May your kindness be rewarded one thousand fold!

Sincerely,

Chhiv, Heak Translated by: Rickey Taing

CHHIV HEAK

August 27, 2024

Dear Honorable Gonzalez:

My name is Rickey Taing. I am writing this letter to vouch for John Yiu's character. I am his wife's uncle. John has joined our family 23 years ago. In these many years that I have gotten to know, I found him to be honorable to his family and population that which he practices in.

I was perplexed and perhaps felt a bit betrayed. Yet after rationalizing how he fell from grace, I surmised that he is human. He is prone to mistakes and sin. Perhaps this is man's downfall. Despite his momentary serious lapse of judgment, John has many positive attributes.

John is a family man. He is the main provider for his nuclear family. He supports his three children in all aspects. Financially he is responsible for his eldest daughter's college tuition. His second will enter college next year, and Ryan is about to start high school. Additionally, he carried the weight of his invalid father who recently passed. His mother solely depends on him. She has multitudes of health issues. At times she is bedrest and he has to help prepare her meals, and takes her to doctors' visit for pain management.

In additional, his wife went through an aggressive breast cancer battled. She ended up having a mastectomy, and she suffered the adverse effects of chemotherapy and radiation. Not only did he need to take her to clinic appointments, he had to be readily available to attend to her psychological needs. John had to be ready for anything. Also, at times he helped with his 94 years old grandmother-in-law with her health needs.

We all, especially John Yiu, recognized his actions was egregious. No matter how much everyone has scolded him, nothing beats the conscient of the individual. I see that he carries a heavy heart. The weight of guilt and one's conscient is more potent than the arrest of the physical imprisonment. He is suffering.

I beg of his honor to lighten your hand and forgive his downfall. For John is suffering tremendous. He is embarrassed to let his children know until now. He puts up a good front of his children. But all the adults know that his own conscient rips him apart.

I see this from a personal relationship with him as family. I also see this from a health care provider who practices in Neonatology and Psychiatric Mental health. His own conscient has caused him to have anxiety, forgetfulness, and cardiac arrhythmias. To me this show that John has a reconnected to his moral compass.

Again, please have mercy on him, his family, and those elderly ladies who need his support.

With great compassion,

Rickey Taing

NYC Housing Development Corporation

120 Broadway, 2nd Floor

New York, NY 10271

Dear Judge Gonzalez,

My name is Annie Liu and I am John's Yiu sister. I am writing to you today to ask for your mercy on my brother and his family.

My brother has always been a caring and supportive person and I have had the pleasure of growing up with him and seeing him becoming the person he is today. This unfortunate decision he made is not reflective of his true character.

Our parents gave up their careers in China to immigrate to this wonderful country for freedom and to give us children the opportunities to reach our dreams. Back then, our future, freedom and financial opportunities were very limited in China. For my parents, seeing my brother John studying so hard in school, going through lots of hardships and finally becoming a doctor was the most prideful and joyful moments in their lives because they felt their sacrifices had paid off.

John is a wonderful son, brother, husband and father. When we were younger, my scholarly parents went out to work in sweatshops (because they couldn't speak English) in order to support us and put food on the table. John was always conscientious of the fact that my parents gave up their medical career in China so he can be a successful doctor in America. Because of this he wants to take good care of my parents and let them live with him in comfort in their old age. He also felt that it is his duty as the eldest son (according to Chinese tradition) to live with and take care of our parents.

During the COVID pandemic, my husband lost his job and it was John who helped us financially through my difficult times. He was very generous with us and made sure my children had everything they need for going to high school and college.

With the recent passing of our father on May 25, 2024, I see the devastating effects it has on him emotionally and physically. He has blamed himself for my father's second stroke which led to a coma and then death two months later. My sickly mom took a turn for the worse after losing her life partner of 55 years. Now John has to take care of my mom daily because most days she's in too much physical pain to leave her bed. She takes prescription narcotics to help ease her pain everyday. Unfortunately I'm unable to help her because of my own family situation. On top of that his wife needs his medical attention too because she is suffering from the side effects of her cancer treatments.

Everything in his world is so chaotic right now. So many bad things has happened to him and his immediate family within this 2 years; from his wife's horrible battle with cancer to his son's hospitalization with a bone disease, to his daughter's Crohn disease to my father's death to my mother's debilitating condition. I honestly don't know how he is still breathing right now. Because of everything that is happening right, the stress, anxiety, and grief, he has just developed a heart condition. He is currently under a cardiologist's care. Even so, John is still taking care of his wife, mom and children over himself. I honestly don't know how any of them can function without him. Their daily lives are so reliant on John.

For all the reason I've just detailed, I'm begging you, your honor to please give John a break in life. Life has just been so difficult lately that he needs that ray of hope for the future. Please give him a chance to continue to be able to work so that he can still support his family; work to take care of his patients and the medical community; and work to pay back the government. Please give him an opportunity to use his hard earned degree and knowledge for the better of society instead of having him becoming a burden to society.

I sincerely thank you for taking the time to read my plea. May your generous heart be filled with only peace and happiness.

Sincerely,

Annie Liu

Dear Judge Gonzalez,

Hello! My name is Yiu, Dawei. I want to write this letter to you from the bottom of my heart after what happened to my elder brother John Yiu.

Our family immigrated to the United States in 1990. Like most immigrant families, my parents work long and hard every day, so my brother started helping with housework at an early age to lighten the burden on our parents. He was an ideal son, never giving trouble to our parents and they never had to worry about his studies. John told me that our parents came to the United States for us, so we must study hard and live up to our parents. I saw how hard he worked and how persistent he was when he was able to help others. Later, when we all separated and started our own families, he invited my parents to go and live with him. He felt the duty and responsibility as the eldest son to take care of our parents as was the Chinese tradition.

I saw how much he cared for our parents, his children's dependence on him, and his love for his wife. I saw how devoted he was after my dad had a stroke! I saw how devoted he was after my mom and had their surgeries. After my dad passed away 4 months ago, my mom's health went downhill, and his wife's physical and mental health was affected after the many surgeries and treatments for cancer. The burden of all responsibilities now fell on him alone. His wife, children and mom depend on his help to get through their daily living, especially my mom who needs food to be prepared and brought into her bedroom.

After this, he kept telling me that one should take never take the wrong path, or you will regret it like he is regretting now. Your honor, please give my brother a second chance in life. He is so remorseful of how his poor judgement led to his family's demise. He wants to make up to the government by being able to work hard and paying back financially. Please give him a second chance to continue to serve the community of patients that rely on him for their treatments.

I thank you for your consideration!

Sincerely,

Dawei Yiu

Dear Judge Gonzalez,

I have known my husband's brother, John Yiu for more than 20 years. I consider myself a good friend of his. He is not a very articulate or talkative man but he's one of the most talented, dedicated, hardworking and caring family man I have ever met. I saw the sacrifices that he and his wife made during his medical school years. They had to live apart for so many years in order to reach his dream of becoming a doctor. His wife was pregnant with their first child while he was in studying in Grenada. She was all alone getting all of her prenatal checkups. It was sad and tough for them but they had to do it for a brighter future.

John is our family doctor. When my younger son got sick, as mother, I was so worried about my child's health and I have no idea what to do. I will call John right away no matter the time. He is the one that I trust with his medical knowledge. He's always there for us whenever we need him.

As we all know, COVID was a scary thing and tough years for everyone. John was so brave to volunteered to help the people of New York City on his days off and everyday after work. Also, I remember seeing John spent his spare time to check in on his patient at the hospital before he go to work in the clinic. John is very dedicated to his patients.

John is a filial son, a caring father and a good husband. Recently when his father was hospitalized before his recent death, John would make time to check in on him at the hospital (which was near his clinic) during his lunch break and after work. His sickly mom's needs are met by John's attention everyday at home. He's always there for his children. No matter how late, he will insist on driving his eldest daughter back and forth from the college dorm for the weekend. Once he gets home from work, he drives his children to after school programs. When his wife had breast cancer he took time off from work to accompany his wife to get all her treatments therapy and surgery.

Every thing that I have seen and heard about John confirms my belief that he is a good human being.

His compassionate nature, professional knowledge, and fantastic patient care skills allows him to serve the patients in this community for so many years. So I implore you, Judge, to please be lenient on John. His mother, wife and children all depend on him for all of their daily needs. He is the pillar for his family. Without him, they will all come crumbling down.

I can see the stress and guilt of everything that has happened has taken a toll on him emotionally and physically. Please give him and his family hope once again. This family has experienced so many sad and stressful events within these two years. Each member either had a debilitating diseases, injuries, surgeries and/or death. They need to have some good news to break this chain of tragedy. Thank you Judge for taking your time to read my letter!

Sincerely,

Wendy Wu

Dear your Honorable Judge Gonzalez:

My name is Zhang, Xueyan. I'm Dr John Yiu's mother. About 34 years ago, my husband, me and my three children immigrated to this wonderful and great country from China in search for a better life and future. My husband and I don't speak any English, so we just had to find any hard labor jobs to support our family. We sent our children to school to encouraged them to get education because we believe, just like most other new immigrants, only good education can give them a better life and make our American dream a reality.

Years have passed by and now my children all have a career and each of them has established their own family. We are so proud of them, especially my second child John Yiu. He not only finished his college with double majors, but also continued to graduate from medical school, and became a medical doctor. My husband was a medical doctor in China, and to see one of his children become a physician in this country means a lot to him. John is the pride of my husband and I.

In February of last year, after we learned the terrible news that John was indicted for kickbacks, we were devastated and felt the whole world around us have collapsed. It hit my husband especially hard. He worried everyday, lost his sleep at night and he stopped taking his medications. My husband became a totally different person. Within one year, my beloved husband whom I had been married for more than 55 years had his second major stroke and passed away about 3 months ago. I just did not understand why God is punishing me like this. What did I do wrong?

I am 80 years old and have multiple medical problems: diabetes, hypertension, high cholesterol, thyroid issue, insomnia and early onset of dementia. The most bothering medical condition I have is chronic pain syndrome due to years of hard labor works. I had multiple orthopedic surgeries, total hip replacement due to my bilateral hip necrosis, shoulder surgery, and the most recent cervical spine surgery which not only did not help my pain, but has worsened my neck pain and caused complication of left shoulder paralysis and weakness. Now everyday, I need multiple pain medications including narcotics to ease my pain. I am also taking anxiety medication and sleeping pills to help me sleep. Still the pain is unbearable. Right now I am on pain management with spinal injections treatment. John is the only person who is able to bring me to get the injections since I live with him and his family. Right now I cannot walk around too much anymore and most days I'm bed ridden. My daughter in law was diagnosed with breast cancer, had mastectomy, radiation and chemotherapy. Everyday I see her tired and totally exhausted after coming back from work. Everyday, John cooks for the family and bring food to my bedside, he manages my medications too. John also takes care of my grandchildren Jenna (17 years old) and Ryan (13 years old) after their mom was diagnosed with cancer. My eldest granddaughter Laina is living in college. John cooks breakfast and dinner everyday. After coming home from work he drives them to after school activities and classes. I can see and feel that his wife and children love him so much .

For the past many years, John has been a good son to me, a caring father to his children and a loving husband to his wife. Your honorable judge, my son John made a biggest mistake in his life, he is blaming himself everyday for his father's death, I am seeing him suffering everyday. He has been apologizing many times to me for the shame he brought to this family. John has

admitted his mistake and is deeply remorseful. He is living everyday with the guilt of destroying his life and future of his family. I pray to God everyday for our family.

Please Your Honor, I am begging you as a mother, for you to have mercy on my son. Your kind heart will not only save John, but also his wife, children and myself. Our lives are all linked with his. I just could not imagine how I could survive everyday if John is gone. I depend on him so much for my daily needs. My grandchildren are still minors and need support from John for everything. His wife still needs his assistance for her medical needs due to the side effects of her cancer treatments.

Thank you for taking the time to read my letter and may God bless you and your family!

Sincerely,

Zhang, Xueyan

Translated by daughter Annie Yiu



Dear Your Honorable Judge Gonzalez,

My name is Dr. Henry Chen, and I am writing to express my support for Dr. John Yiu. I have known Dr. Yiu for over 14 years, initially meeting him when he brought his father, who was my patient, to my clinic for treatment. From our earliest interactions, I was deeply impressed by his character and dedication, both as a person and as a doctor. After completing his residency, I had the privilege of offering him a position at my practice.

Dr. Yiu has proven himself to be an exemplary employee and a highly skilled physician. He is incredibly hardworking, always willing to step in when needed, even covering for other doctors without hesitation. In his early years with us, he regularly worked 6-7 days a week. His professionalism, kindness, and impeccable bedside manner have endeared him to both staff and patients alike. Many of his patients have spoken to me about the exceptional care they received from him, particularly noting how attentive he was to their needs and the time he took to explain their medical conditions.

During the COVID-19 pandemic, as President of the SOMOS organization, I coordinated efforts for doctors to volunteer at New York City's public vaccination centers and COVID testing sites. Dr. Yiu immediately volunteered to help the city during this critical time. His selflessness, along with the dedication of many other doctors, contributed to the successful completion of public vaccination programs, helping to protect countless New Yorkers. In recognition of his efforts, Dr. Yiu was honored with a plaque from SOMOS, acknowledging his work as a frontline healthcare provider.

As a husband, Dr. Yiu is deeply caring and devoted. When his wife was diagnosed with breast cancer, he approached me to request time off so he could be by her side throughout her treatment. This act of love and support speaks volumes about the kind of person he is, both professionally and personally.

I am deeply saddened by the circumstances Dr. Yiu currently finds himself in. From our numerous conversations, I know how remorseful he is for the decision that led to this situation. He is now a man weighed down by guilt, compounded by the recent sudden death of his father and his mother's illness. He views these tragedies as consequences of his poor judgment, and the pain is evident in his demeanor.

Your Honor, I respectfully ask you to consider granting Dr. Yiu a second chance. Throughout his life, he has been a pillar of his community, providing care and support to the sick and vulnerable for many years. Please do not allow one moment of poor judgment to undo a lifetime of service and hard work. His family—his wife, mother, and children—depend on him greatly. I believe,

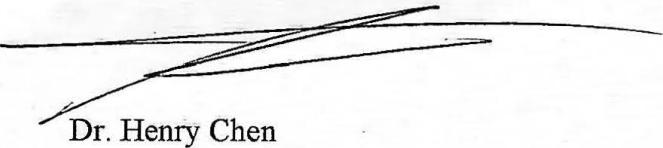
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based on the man I have come to know, that Dr. Yiu is a compassionate, responsible, and good-hearted individual. He is an outstanding son, husband, father, and doctor. I humbly request that you offer him the opportunity to continue serving his community and provide hope for his family's future.

Thank you for taking the time to read my letter. I deeply appreciate your consideration.

Sincerely,



Dr. Henry Chen

President of SOMOS Community Care

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